

Message Text

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PAGE 01 STATE 270084

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FM SECSTATE WASHDC

TO AMEMBASSY TEL AVIV PRIORITY

AMCONSUL JERUSALEM PRIORITY

INFO AMEMBASSY BONN

C O N F I D E N T I A L STATE 270084

E.O. 11652: GDS

TAGS: PFOR PBOR XF IS

SUBJECT: STATUS OF JERUSALEM: BILATERAL CEREMONIES

1. GERMAN EMBASSY HAS ASKED (A) WHAT U.S. PRACTICE HAS BEEN IN ARRANGEMENTS FOR SIGNING OF U.S.-ISRAELI AGREEMENTS AND (B) WHAT BEARING ON A COUNTRY'S LEGAL POSITION CONCERNING STATUS OF JERUSALEM THE SIGNING OF A BILATERAL AGREEMENT WITH ISRAEL IN JERUSALEM WOULD HAVE. ANY LIGHT THAT EMBASSY OR CONGEN CAN SHED ON POINT DISCUSSED IN PARA 4 BELOW WOULD BE HELPFUL.

2. IN ANSWER TO QUESTION (A), WE HAVE TOLD GERMANS THAT FROM 1949 TO 1952 ANY U.S.-ISRAELI AGREEMENTS CONCLUDED IN ISRAEL RATHER THAN U.S. WERE SIGNED IN TEL AVIV AND THAT THEREAFTER THEY WERE EFFECTED BY EXCHANGE OF NOTES, U.S. NOTE BEING SIGNED IN TEL AVIV AND ISRAELI NOTE BEING SIGNED IN JERUSALEM. WE HAVE POINTED OUT THAT U.S. ALSO INITIALLED MEMORANDA OF UNDERSTANDING WITH ISRAEL IN JERUSALEM IN DECEMBER 1973 AND JANUARY 1974 (SYRIAN DISENGAGEMENT MOU
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PAGE 02 STATE 270084

WAS EFFECTED BY EXCHANGE OF LETTERS IN WASHINGTON). MEMO-

RANDUM OF AGREEMENT OF SEPTEMBER 1, 1975 WAS INITIALED IN JERUSALEM AND LATER SIGNED IN WASHINGTON AND JERUSALEM.

3. WE HAVE ADDED THAT U.S. PROPOSAL OF SEPTEMBER 1, 1975

RELATING TO ISRAELI-EGYPTIAN INTERIM AGREEMENT WAS ACTUALLY SIGNED BY U.S. AND ISRAEL IN JERUSALEM. NEITHER U.S. NOR ISRAEL READ INTO THIS EVENT ANY SIGNIFICANCE IN REGARD TO U.S. POSITION ON STATUS OF JERUSALEM, AND IF ISRAELIS SHOULD EVER CLAIM IT HAD SUCH SIGNIFICANCE, WE WOULD DENY IT.

4. ONE ASPECT OF U.S. PRACTICE ON WHICH OUR INSTITUTIONAL MEMORY FAILS, AND ON WHICH WE WOULD LIKE ANY INFORMATION EMBASSY OR CONGEN MAY HAVE, IS WHETHER U.S. REPRESENTATIVE AFTER SIGNING NOTE IN TEL AVIV HAS TAKEN PART IN NOTE-EXCHANGING CEREMONY IN JERUSALEM. FORMER AMBASSADOR BARBOUR IS UNABLE TO RECALL ANSWER BUT BELIEVES HE PROBABLY DID PARTICIPATE IN SUCH CEREMONIES.

5. REASON FOR GERMAN INQUIRY IS FACT FONMIN GENSCHER GOES TO ISRAEL NOVEMBER 27 AND IS SCHEDULED TO SIGN FOUR BILATERAL AGREEMENTS IN JERUSALEM. WHEN FRG IN DECEMBER 1973 CONSENTED FOR FIRST TIME TO JERUSALEM AS SITE FOR SIGNING AN AGREEMENT, IT INSISTED ON INCLUSION OF PROVISIO TO EFFECT THAT THIS ACT DID NOT ALTER GERMAN POSITION ON JERUSALEM. ACCORDING TO GERMAN EMBASSY, ALLON HAS NOTIFIED GENSCHER THAT ISRAEL WILL NOT AGREE TO SUCH PROVISIO THIS TIME.

6. IN ANSWER TO QUESTION (B), WE HAVE TOLD GERMANS THAT WE SEE THIS AS MORE A POLITICAL THAN LEGAL MATTER AND THAT A COUNTRY IN OUR OPINION CAN KEEP ITS LEGAL POSITION INTACT BY SIMPLY DECLARING AFTER EVENT, IF DEEMED NECESSARY, THAT AN ACT SUCH AS SIGNING OF AGREEMENT IN JERUSALEM HAS NOT ALTERED ITS POSITION. WE HAVE ALSO OFFERED OPINION THAT ISRAELI PHOTO MEDIA AS MATTER OF ROUTINE GIVE EXTENSIVE COVERAGE TO MOVEMENTS OF SENIOR FOREIGN OFFICIALS WHEN THEY VISIT JERUSALEM, THAT INEVITABLY SOME CEREMONIES ARE INVOLVED, THAT MANY WESTERN

CONFIDENTIAL

PAGE 03 STATE 270084

LEADERS HAVE BEEN SO COVERED IN RECENT YEARS, AND THAT ARABS MUST BE ACCUSTOMED TO IT. KISSINGER

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